

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

VUZIX CORPORATION,

Plaintiff,

– against –

RICARDO ANTONIO PEARSON a/k/a
RICHARD PEARSON,

Defendant.

Case No. 1:19-cv-00689-NRB

NOTICE OF MOTION

PLEASE TAKE NOTICE, that upon this Notice of Motion and the accompanying Memorandum of Law and documents in support thereof, Defendant Richard Pearson hereby moves this Court before the Honorable Naomi Reice Buchwald, United States District Judge, at the United States Courthouse, Southern District of New York, 500 Pearl Street, New York, New York, at a date and time set by the Court, for an Order dismissing Plaintiff Vuzix Corporation's Amended Complaint, with prejudice.

Richard Pearson moves for such Order on grounds that (1) this Court lacks personal jurisdiction over Richard Pearson, pursuant to Fed. R. Civ. P. 12(b)(2); (2) Vuzix Corporation has failed to state a claim, pursuant to Fed. R. Civ. P. 12(b)(6); and this case should be dismissed pursuant to California's anti-SLAPP statute, with attorneys' fees awarded to Richard Pearson.

Dated: New York, New York
March 27, 2019

HOLLAND & KNIGHT LLP

By: /s/ Christine N. Walz

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SDNY admission application pending

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